

REMARKS

Status of the Claims & Formalities

Claim Status

Claims 1-19 are all the claims pending in the application. By this amendment, Applicants are amending independent claims 1 and 18, adding new claims 20-23, and canceling claim 2.

Information Disclosure Statement

Applicants thank the Examiner for considering and initialing all of the references listed on the PTO/SB08 form accompanying the Information Disclosure Statement filed on July 15, 2009.

Art Rejections

1. *Claims 1-5, 12-14, 18 and 19 are rejected under 35 U.S.C. § 102 as allegedly being anticipated by Levy et al. (US 4,501,360).*
2. *Claims 1, 15-17 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Suck et al. (US 6,021,924).*
3. *Claims 6-11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Levy in view of Nemoto et al. (US 4,121,844).*

Claim Rejections - 35 U.S.C. § 102

1. *Claims 1-5, 12-14, 18 and 19 under Levy.*

In rejecting claims 1-5, 12-14, 18 and 19 under Levy, the grounds of rejection state:

The Levy et al. reference discloses a fastener element (11,12,13,12a,13a) on a fluid reservoir (1), the fastener element including a deformable snap-fastener portion (12,13,12a,13a), wherein the stiffener means (inner portions of 12 and 13; see fig. 2) are provided inside the deformable snap-fastener portion (12,13,12a,13a); and wherein deformable snap-fastener portion (12,13,12a,13a) consists of a lateral skirt of the fastener element, and a projection (upper projections of 12a,13a; see fig.2) projecting radially inwards from the inside wall (of 14 and 15) of the lateral skirt; and wherein the stiffener means (inner portions of 12 and 13; see fig. 2) are inserted, integrated, sunk, or embedded inside the snap-fastener portion (12,13,12a,13a); and wherein the

stiffener means (inner portions of 12 and 13; see fig. 2) consist of one or a plurality of rigid and/or resilient elements; and wherein the rigid and/or resilient element(s) extend in or around the periphery of the snap-fastener portion (12,13,12a,13a); and wherein the fastener element is a snap-fastenable ring (11 ,11 a,11 b) having an ferrule portion (longitudinal portions extending upward from 11 b; see fig.2) extending inside the case body (1); and wherein the snap-fastenable ring (11,11 a,11 b) is made from a single plastics material; and wherein the snap-fastenable ring (11,11 a,11 b) is made from a plurality of different plastics materials (col.1, lines 1517).

(Office Action at page 3.)

As an initial matter, Applicant notes that independent claim 1 is being amended to incorporate the subject matter of dependent claim 2. Regarding independent claim 1, Levy does not disclose at least “wherein the deformable snap-fastener portion comprises a lateral skirt of said fastener element, and a projection projecting radially inwards from an inside wall of said lateral skirt.”

In Levy, the cover (11) has two ends (12a, 13a) that project radially outward from the outside wall of the strips (12, 13). The Examiner also alleges that elements 14 and 15 of Levy disclose an inside wall of a lateral skirt. (*See* Office Action, page 3.) Elements 14 and 15, however, are “outer steps provided in the lower part of the cavities 2 and 4.” (Levy, col. 2, lines 23-28.) The cavities (2) and (4) are not located on either of the strips (12, 13), but rather, are located on the case body (1) that holds the tubes (7). (Levy, col. 2, lines 1-7.) As such, Levy does not disclose “wherein the deformable snap-fastener portion comprises a lateral skirt of said fastener element, and a projection projecting radially inwards from an inside wall of said lateral skirt.”

Additionally, the Examiner alleges that Levy’s fastener element does “fasten or keep in place the dispenser member (7, 9) on the fluid reservoir (1).” (*See* Office Action, page 6.)

Element (1) is a case body for holding tubes (7) and not a fluid reservoir. (See Levy, col. 2, line 2.) Element (7) is a tube forming a fluid reservoir, and element (9) is the closing plug inserted in said reservoir. (See Levy, col. 2, lines 9 & 17.) A closing plug is not a dispenser member, and there is no dispenser member provided in Levy. As such, Levy does not disclose "A fastener element for fastening a fluid dispenser member on a fluid reservoir."

Claims 3-5 and 12-14 are allowable at least by virtue of their dependency from independent claim 1.

Independent claim 18 is allowable because Levy does not disclose at least "wherein the deformable snap-fastener portion comprises a lateral skirt of said fastener element, and a projection projecting radially inwards from an inside wall of said lateral skirt."

As discussed above, Levy discloses a projection (12a, 13a) that projects radially outward from the outside wall of the deformable snap fastener (12, 13).

Claim 19 is allowable at least by virtue of its dependency from independent claim 1.

2. *Claims 1, 15-17 under Suck.*

In rejecting claims 1 and 15-17 under Suck, the grounds of rejection state:

The Suck et al. reference discloses a fastener element (9) on a fluid reservoir (1,2), a dispenser member (5) mounted to the fluid reservoir (1,2), the fastener element (9) including a deformable snap-fastener portion (lower end of 9), the fastener element being characterized in that stiffener means (10) are provided inside the snap-fastener portion (lower end of 9); and wherein the dispenser member is a pump (5).

(Office Action at page 3.)

Independent claim 1 was amended to include the subject matter of dependent claim 2. As such, the rejection under Suck is now moot.

Claims 15-17 are allowable at least by virtue of their dependency from independent claim

1.

Claim Rejections - 35 U.S.C. § 103

3. *Claims 6-11 over Levy in view of Nemoto.*

Claims 6-11 are allowable at least by virtue of their dependency from independent claim

1.

New Claims

For additional claim coverage merited by the scope of the invention, new claims 20-23 are being added.

Claims 20-22 are allowable at least by virtue of their dependency from independent claim

1.

Independent claim 23 is allowable because the cited art does not disclose at least “wherein the deformable snap-fastener portion comprises a lateral skirt of said fastener element, and a projection projecting radially inwards from an inside wall of said lateral skirt.”

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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